

**MINUTES OF THE BOARD  
OF  
AUDIOLOGY AND SPEECH LANGUAGE PATHOLOGY**

**July 6, 2005**

**CALL TO ORDER**

Jody Spalding, Chairperson, called the meeting of the Board of Audiology and Speech Language Pathology to order at 4:05 p.m., Wednesday, July 6, 2005, in conference room 5-B, Nebraska State Office Building, Lincoln, Nebraska. The meeting was duly publicized by distribution of the notice of Meeting and Agenda ten (10) days prior to the meeting and posting the agenda at the entrance of the Health and Human Services at least twenty-four (24) hours prior to the meeting.

**Roll Call**

The following Board Members, Credentialing Division Staff and visitor were present at the meeting:

Jody Spalding, Chairperson  
Jane Stokebrand, Vice-Chair  
Kenya Taylor, Professional Member  
Kathy Olberding, Secretary

Diane Hansmeyer, Section Administrator  
Delores James, Credentialing Coordinator  
Brad Shaff, Assistant Attorney General  
Dwayne Newland, Investigations

**Adoption of the Agenda**

Stokebrand moved, seconded by Spalding, to adopt the agenda. Voting aye: Spalding, Taylor, Stokebrand and Olberding. Voting nay: None. Not voting: None. Motion carried.

**Approval of Minutes**

Taylor moved, seconded by Stokebrand, to approve the board minutes from the March 24, 2005 meeting. Voting aye: Taylor, Stokebrand, Olberding and Spalding. Voting nay: None. Not voting: None. Motion carried.

**INVESTIGATIONAL REPORT(S) &  
ADMINISTRATIVE PENALTIES (Closed Session)**

Olberding moved, seconded by Taylor, to go into closed session at 4:05 p.m. for the purpose of discussing investigational reports, administrative penalties, and to protect the reputation of individuals. Voting aye: Stokebrand, Olberding, Spalding and Taylor. Voting nay: None. Not voting: None. Motion carried.

### **Out of Closed Session**

Olberding moved, seconded by Taylor, to come out of closed session at 4:25 p.m. Voting aye: Olberding, Spalding, Taylor and Stokebrand. Voting nay: None. Not voting: None. Motion carried.

Newland left the meeting at 4:28 p.m.

### **CONFLICT OF INTEREST INFORMATION**

Shaff gave a report on conflict of interest and stated that board members could have a conflict of interest without realizing it. He also referred to the definition of conflict of interest as found in the regulations, which is a conflict related to financial gains and making decisions as a public official that could impact the individual or their immediate family members or someone they are in business with. He gave some examples of regular conflicts of interest that board members might encounter and also explained the meaning of an apparent conflict of interest because it is not found in the statutes or regulations.

Shaff stated that the apparent conflict of interest is one that goes to the heart of due process and has the potential to impact disciplinary cases. He gave a hypothetical situation of a board screener who was acquainted with the person being screened and had some sort of conflict with this person several years ago. The screener recommended that the case be open for investigation without revealing that he knows the person. The case is investigated and brought to the board and the board votes to file a petition for disciplinary action and recommend sanctions. The case is then sent to the Attorney General's office. The Attorney General will work on the case and take it to a public hearing. The person who is being disciplined files an appeal, in the District Court of Lancaster County, based upon the screener being acquainted, in an unfavorable way with the person who is being disciplined. The case will then get thrown out because of a violation of due process.

Shaff called the Board's attention to the time and money that is involved in investigating a case and asked board members to recuse themselves from any case whenever there is a conflict of interest or an apparent conflict of interest.

Spalding and Taylor have been invited to participate in the rewrite of the statutes and wanted to know if this would be a conflict of interest because they serve on the Audiology and Speech Language Pathology Board. Hansmeyer stated that she did not see a problem with this issue.

### **Closed Session**

Taylor moved, seconded by Stokebrand, to go in closed session for the purpose of discussing confidential information and to protect the reputation of individuals. Voting aye: Spalding, Taylor, Stokebrand and Olberding. Voting nay: None. Not voting: None. Motion carried.

### **Out of Closed Session**

Olberding moved, seconded by Stokebrand, to come out of closed session at 4:45 p.m. Voting aye: Taylor, Stokebrand, Olberding and Spalding. Voting nay: None. Not voting: None. Motion carried.

### **UNIFORM LICENSING LAW**

Hansmeyer was asked at the last board meeting to discuss the Uniform Licensing Law and explain why there is a need for this law. She stated that the Uniform Licensing Law is an administrative law that covers several professions credentialed by the Department. It is a way to uniformly regulate the professions. She called the Board's attention to Section 71-102 that list professions covered under this law. Professions that are not fully covered usually reference certain parts of ULL in their specific practice act. For example, Hearing Aid Instrument Dispensers and Fitters will reference information on renewal, reinstatements, fees, and disciplinary action.

Hansmeyer stated that there are some definitions in ULL that professions who fall under this law have to use. The index lists the subjects that are covered in this law. Subjects about how board vacancies are filled, the composition of the boards, per diems that boards members should receive, how many meetings boards should have a year, and how vacancies are filled.

Hansmeyer stated that at this point some information is in the practice act and some in the Uniform Licensing Law and there has not been a major rewrite since the law was first written in 1927. There have only been additions to the information already in this law. The changes will make it easier for credentialed individuals to find information on their specific profession and will make ULL more uniform in that information specific to one profession will be in the practice act and information on procedures that is exactly the same will be found in the Uniform Credentialing Law.

The name of the law will change to The Uniform Credentialing Act, which reflects that the Division not only issues licenses, but certification as well. Other proposed changes are: Use of the word reciprocity, because the Division does not offer true reciprocity; Revocation and all of the issues for revocation. We have non-disciplinary revocation and disciplinary revocation.

Hansmeyer explained that if the Division did not have the ULL there would be no way of dealing with issues having to do with credentialing. What this mean is that an audiologist is going to be disciplined the same as all of the other professions what falls under this act.

The purpose of the rewrite is to put like information together in an organized fashion and to make possible to find all information relating to a profession in their practice act rather than look in several different places. Also the professions that are listed in the uniform Licensing Law will now be placed in there.

Hansmeyer said that sometime later this year a new copy of the rewrite is going to be sent to all board members, which would reflect changes made based upon the comments received.

### **Practice Act Rewrite Discussion (Attachment A)**

Hansmeyer sent the Board a copy of how the ULL committee proposes to change their statutes. The committee is trying to remove information that is redundant because it doesn't need to be in the practice act and also in the Uniform Licensing Law. Everything that is specific to the practice act is going to be kept/put there and anything that is general will be kept/put in the Uniform Credentialing Law. She discussed the things amended or repealed in the audiology and speech language pathology profession and they are as follows: the language in 71-1,190.01 and that is because the time period of 1987 has passed; all endorsement issues will be covered in the UCL; the information giving the board the authority, with the approval of the Department, to promulgate rules and regulations will be moved to the UCL; information

regarding the promulgation of rules and regulation for communication assistants will be put in the UCL; and all information about the composition of the board will be moved to the practice act.

Shaff left the meeting at 5:25 p.m.

### **DRAFT REGULATIONS/CONTINUING COMPETENCY**

Hansmeyer reviewed a draft copy of changes to the continuing education section of the regulations (Attachment B). The draft reflects language that would require licensees to choose programs related to the theory or clinical application of theory pertaining to the practice of audiology and speech-language pathology. This method would be more cost effective for staff and board members because they would not have to pre-approve every CE program taken by licensees. This method would also give licensees the responsibility of determining, which programs would be acceptable for continuing education.

The Board would audit a certain percentage of licensees during licensure renewal time and licensees being audited would be required to send in certificates, course objectives or brochures for each program attended.

Hansmeyer discussed the section on formal education and home study to see if the Board would be okay with the information included in these sections. She stated that they would have to decide how many hours would be allowed in this area. Hansmeyer asked the Board to review the non-acceptable courses to see if changes should be made and to look the cochlear implant specialty certification exam for CE Credit.

Hansmeyer called their attention to page 17, number 5, on management courses. She borrowed this information from the regulations of another profession that allows management courses, which relates to the theory or clinical application of theory pertaining to their practice.

Spalding discussed continuing education information from the States of Arkansas, Louisiana and Georgia. She liked the information from content areas I and II of the Arkansas regulations and after a discussion by the Board, a request was made of Hansmeyer to write regulations incorporating information from content areas I and II. Licensees would be allowed to select no more than five (5) hours from content area II.

The Board also wanted to give continuing education credit for postal sessions, which are shown in conjunction with continuing education programs.

Spalding will find out if the language has changed for onsite observations.

### **RECOGNITION OF THE AMERICAN BOARD OF AUDIOLOGY (Attachment C)**

Taylor will research recognition of the American Academy of Audiology to see what is required and send this information to Hansmeyer.

### **OLD BUSINESS**

There was no old business to discuss.

### **NEW BUSINESS**

All of the agenda items under new business will be tabled until the next board meeting.

A conference call will be held on August 4, 2005 at 8:00 a.m. to review the proposed continuing education regulations.

**MISCELLANEOUS**

The next board meeting will be held on Wednesday, July 6, 2005 at 4:00 p.m. in Lincoln, Nebraska.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:54 p.m.

Respectfully submitted,

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Kathy Olberding, Secretary